

## REMARKS

A first non-final Office Action mailed March 11, 2004 has been received and carefully reviewed. Claims 1-32 are pending in the application. Claims 1-5 and 9-10 stand rejected. Claims 11-32 are allowed, and claims 6-8 are indicated as allowable, if rewritten to include the limitations of base claim and any intervening claims. Reconsideration of the application and withdrawal of the present rejections are respectfully requested in view of the following remarks.

Claims 1-5 and 9-10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Turk et al.* (U.S. Patent No. 5,605,320 B1). Claim 10 stands further rejected under § 112(2) with regard to indefinite subject matter.

*Turk* discloses an alternative embodiment in which a first channel encoder 40 is programmable in that the code rate  $N/(N+1)$  can be adjusted for different values of  $N$  to eliminate the need for pad bits added to the last input block for the second encoder 46. According to *Turk*, a first encoder 40 is programmed to a code rate of 64/65 to encode bits 0-4095 (4096 is integer divisible by 64), and then the first encoder 40 is programmed to a code rate of 16/17 to encode bits 4096-4111 (4112-4096=16 is integer divisible by 16). Bits 4112-4127 (16 bits) 60 of the input data 12 then pass through multiplexer 62 and are encoded by the second channel encoder 46, followed by the 320 bits of ECC redundancy symbols.

*Turk* does not teach or suggest Applicant's claimed subject matter involving encoding a first plurality of data blocks according to a first coding constraint for storage on the data storage medium and encoding the last data block according to a second coding constraint for storage on the data storage medium in a manner such that no pad bytes are required to complete encoding of the last data block.

To expedite allowance of the pending subject matter, and without acquiescing to the Examiner's basis for rejecting claims 1-5 and 9-10, Applicant